

1 AARON D. FORD
2 Attorney General
3 LEO T. HENDGES (Bar No. 16034)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way
Suite 100
5 Las Vegas, Nevada 89119
(702) 486-3795 (phone)
(702) 486-3768 (fax)
Email: lhendges@ag.nv.gov

7 *Attorneys for Defendants*
8 *Kerry Hunter, Jennifer Nash,*
Michael Natali, and Kelly Quinn

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 ROBERT JACKSON,

Case No. 2:20-cv-01322-ART-VCF

13 Plaintiff,

14 v.

15 NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

**DEFENDANTS' NON-OPPOSITION
TO ECF NO. 70**

17 Defendants.

19 Defendants, Kerry Hunter, Jennifer Nash, Michael Natali, and Kelly Quinn, by and
20 through counsel, Aaron D. Ford, Attorney General for the State of Nevada, and Leo T.
21 Hendges, Senior Deputy Attorney General, hereby file their Non-Opposition to ECF
22 No. 70.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. INTRODUCTION**

25 On November 16, 2022, this Court issued a scheduling order that provided a timeline
26 for the parties to conduct discovery. ECF No. 33. Defendants filed a motion for judgment
27 on the pleadings and in the alternative early summary judgment over exhaustion on
28 April 21, 2023. ECF Nos. 39, 40.

1 Plaintiff Robert Jackson (Jackson) filed a motion to compel discovery on May 5, 2023
2 (ECF No. 43), and a second motion to compel discovery on May 9, 2023 (ECF No. 47). This
3 Court held a hearing on the motion to compel discovery on October 17, 2023, with an order
4 that Defendants either produce email communications or file notice that no such
5 communications exist. ECF No. 56. Defendants filed their notice of compliance on
6 October 24, 2023. ECF No. 57.

7 This Court denied Defendants' motion for judgment on the pleadings and early
8 summary judgment over exhaustion on February 9, 2024. ECF No. 62. A new scheduling
9 order was issued March 28, 2024. ECF No. 65. Jackson filed a motion to compel discovery
10 on October 23, 2024, which is fully briefed. ECF Nos. 68, 69, 71. The dispositive motion
11 deadline is currently set to expire on November 22, 2024. ECF No. 65 at 2:4.

12 Jackson filed the instant motion seeking a stay of the case pending a decision on his
13 motion to compel on November 8, 2024. ECF No. 70. To the extent Jackson seeks an
14 extension of the discovery deadline or dispositive motion deadline, Defendants do not
15 oppose the request.

16 **II. ARGUMENT**

17 Defendants agree with Jackson the interests of judicial economy outlined in Fed. R.
18 Civ. P. 1 would be supported by an extension of certain case deadlines while the motion to
19 compel is pending. Should this Court grant the motion or defer a decision to allow the
20 parties to discuss what Jackson is actually seeking through discovery, it would be
21 inefficient for the parties to prepare dispositive motions which are currently due
22 November 22, 2024.

23 Defendants agree there should at least be an extension of the dispositive motion
24 deadline to allow for a determination of Jackson's motion to compel (which they oppose)
25 before dispositive pleadings are drafted and submitted for review.

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1 **III. CONCLUSION**

2 Based upon the foregoing, Defendants are not opposed to this Court granting
3 Jackson's request to the extent he seeks extension of the discovery and/or dispositive
4 motion deadlines.

5 DATED this 13th day of November, 2024.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Leo T. Hedges
9 LEO T. HENDGES (Bar No. 16034)
10 Senior Deputy Attorney General

11 *Attorneys for Defendants*

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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on November 13, 2024, I electronically filed the foregoing **DEFENDANTS' NON-OPOSITION TO ECF NO. 70** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

Robert Jackson, #86238
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, Nevada 89070
Email: sdcclawlibrary@doc.nv.gov
Plaintiff, Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General